

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§	
	§	
<b>HONX, INC.<sup>1</sup></b>	§	<b>Case No. 22-90035 (MI)</b>
	§	
<b>Debtor</b>	§	<b>Chapter 11</b>
	§	

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**NOTICE OF APPEAL OF CASE MANAGEMENT ORDER**

[Related to Docket No. 603]

Those claimants listed as clients of Burns Charest LLP attached hereto as **Exhibit A** (collectively, the “**BC Litigants**”) appeal to the United States District Court for the Southern District of Texas the *Case Management Order* [Docket No. 603] attached hereto as **Exhibit B**, which was entered on January 12, 2023. The names of all parties to this appeal and the names, addresses, and telephone numbers of their respective attorneys are as follows:

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<sup>1</sup> The Debtor in this chapter 11 case, along with the last four digits of the Debtor’s federal tax identification number, is HONX, Inc. (2163). The location of the Debtor’s service address in this chapter 11 case is: 1501 McKinney Street, Houston, Texas, 77010.

***Appellants:***

BC Litigants

***Counsel:***

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***Appellee:***

HONX, Inc.

***Counsel:***

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***Other Interested Party:***

Hess Corporation

***Counsel:***

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*[Remainder of page intentionally left blank]*

Dated: January 26, 2023

Respectfully submitted,

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***ATTORNEYS FOR BC LITIGANTS***

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was served on January 26, 2023, on all parties entitled to receive service through the Court's ECF system.

/s/ John F. Higgins

John F. Higgins

**EXHIBIT A**

**List of BC Litigants**

Abraham Perez-Rivera	Aquino-De la Rosa, Ovidio
Abraham, Narcisse	Arelis Pena-Arrendell
Adams, Melvine Sr	Arlington Bergan
Agatha Louis	Arroyo, Hector
Agnes Alphonse	Arthur Carter
Agnes Andrew	Arthur John Baptiste
Agnes Dalsan	Audrey Gustave
Agnes John	Avan Casimir
Alana Finney	Avis Reid
Albert Edwards, Jr	Baltimore, Link
Albert Elliott	Barry, James
Albert Ince	Barthelmy Dantes
Albert J Williams	Batista, Juan
Albert Stanislas	Bazil, Joanness
Albert Tayliam	Beharry, Lawrence J, Sr
Albert Victor	Beharry, Pascal W
Alexander Charles	Belardo, Fidel
Alexander St Rose	Belardo, Hector C.
Alexander, David Adrian	Benjamin, Alford D
Alexandrine Abraham	Bernadette Abraham-Soldiew
Alicia Mars	Bernadine John Baptiste
Alita V Theophilus-Phillipp	Bernard Williams
Allan Austin	Bernard, Angelo
Allan English	Bernett Joseph
Alton Elliot	Bhola, Anthony
Alvin Sonson	Bibiana Philogene
Alwyn John Baptiste	Blake Caldena
Amelina Marc Louis	Blake, Irvine E
Andre Jean	Boland, Veronica
Andres Velazquez	Bougouneau, Francisca
Angel Gautier	Bougouneau, Francisca Andrea
Angel Rodriguez	Bougouneau, Jeremiah
Angel Santos-Rios	Bowery, Ira
Angela Faucher	Brown, Clarence G
Angela Poleon	Brown, Frank
Anna Arnold	Browne, Alexis H
Anna Gordon	Browne, Alfred
Annabelle Riviere	Browne, Edwin
Annette Parris-Delgado	Burke, Tyrone
Anselm Alexander	Candida Acosta-Lewis
Anthony Laurencin	Canice McFarlane
Antoine Baptiste	Carlos P Mulrain

Carmela Errilienne  
 Carmen Lopez  
 Carmen Mayfield  
 Carmen Santiago  
 Carolyn Maynard  
 Castro Pablo  
 Catherine Antoine  
 Catherine Charles  
 Catherine Daniel  
 Catherine Phillip  
 Celestine Gordon  
 Celina Bodley  
 Charles Deterville  
 Charles Jacob  
 Charles Powell  
 Charles, Cuthbert R  
 Charles, Ita  
 Ched Antoine, as PR for Jamfes Antoine  
 Cheryann Thomas-Cooke  
 Cheryl Azille  
 Cheryl Richardson  
 Christian Farrelly  
 Christine Daniel  
 Claudette King  
 Claudius Thomas  
 Clement Languedoc  
 Clinton Henry  
 Clouden, Elvita  
 Clovis, Lawrence  
 Combie, Eliza  
 Consula Matthew  
 Cora Straker  
 Coria Rene  
 Cornelia Louis  
 Cornelius Mitchell  
 Creighton, Theresa  
 Cristino Cruz  
 Cyrilla Christophe  
 Cyrille Paul  
 Daisy Francis-Christopher  
 Dalmau-Estrada, Carlos  
 Daniel, Noel  
 Davidson Abraham  
 Davis, Rupert  
 Davon Walter, as the PR of the Estate of  
 Lunid Walter

Dayatra Emmanuel  
 De Lande, Clefryn  
 Decima John Baptiste  
 Defreitas, Gilbert M.  
 Degrasse, William  
 Denis Dariah  
 Denis, Alphonsus  
 Denis, Placide  
 Dennery, Arthur  
 Dennis Barnes, Jr  
 Deschamps, Malcolm  
 Desir, Urias JW  
 Dexter Arthurton  
 Dillon Inglis  
 Donawa, Clarence Eustace  
 Donawa, Ian  
 Donnelly, Tricia  
 Doran, Garfield  
 Dorita Trimmingham, as the Personal  
 Representative and Executor of the Estate of  
 Leroy W Trimmingham  
 Douglas, Charles (Christian)  
 Drayton, Cleavelly  
 Ducreay, Isaiah  
 Dudley Cox  
 Duncan, Tyrone  
 Dyett, George  
 Eardley Howard Charles  
 Eastman, Felix  
 Efraim Soto-Santos  
 Egbert Carlton Hall  
 Elderfield Richards  
 Eleanor Abraham  
 Eleanor Roseline  
 Elford Christmas  
 Elias Bodley, as PR of Estate of Roland  
 Bodley  
 Elpher Prosper  
 Elsworth Stevenson  
 Emerald Finney  
 Emika Archibald  
 Emil Joseph  
 Emmanuel Augustin  
 Emmanuel, Hyacinth  
 Enoch Simon  
 Enrique Ayala

Est. of Alexis Denis  
 Est. of Felix Colon  
 Est. of Fitzroy Roberts  
 Est. of Patrick Mathurin  
 Estate of Arnold Anthony  
 Estate of Eli McKenzie  
 Estate of Ezekiel Farrell  
 Estate of Francisco Carrasquillo-Acosta  
 Estate of James Hughes  
 Estate of Nicholas George  
 Estate of Rosemary Nicholas  
 Estate of Scipio Murren  
 Esther Theobbles  
 Eugenia East  
 Eugenia JnMarie  
 Eugenia Stanley  
 Eunice George  
 Eustace Rose  
 Evans, Gualbert  
 Evans, Hugh  
 Everton Knight  
 Exilia Fonetenelle  
 Ezra Celestin  
 Fabian, Patricio  
 Fahie, Royce H  
 Farrow, Oliver  
 Felice Grant  
 Felicite Patricia Albert  
 Felipe Ledesma  
 Felipe Rios  
 Felix, Anthony  
 Ferdinand Abraham  
 Figueroa, Carlos J  
 Fitzroy B Matthew  
 Flood, Cynthia  
 Floretta Prevost  
 Fonda Gill, As The PR of The Estate of  
 Emerson Gill  
 Forde, Linroy  
 Fox, Melwyn Elias  
 Frances Mondesir  
 Francois St Remy  
 Frank Jeremiah  
 Frederico Garcia  
 Freeman, Sr., Eugene T.  
 Gabriel Alexander

Garcia, Felix  
 Garcia, Juan  
 Garcia, Reynaldo  
 Gaston, Simone  
 Gee Cuffy, Jr  
 Gemma Mitchell  
 George Fontenelle  
 George Joseph  
 George, Cuthbert  
 Gerard Nelson  
 Gerard St Rose  
 Gertrude John  
 Gertrude St Rose  
 Gervais, Rufinus  
 Gifford, Alain  
 Gilbert, Idonia  
 Gilbert, Joseph  
 Gladstone Browne  
 Gomez, Oscar  
 Gonzague, Augusta  
 Gonzales, Glen  
 Gonzalez, Mario  
 Grace Joseph  
 Green, Tony Curtis  
 Greenaway, Dan  
 Greene, Alwyn  
 Gregor Richelieu  
 Guadalupe, Domingo  
 Guadalupe, Javier, Jr.  
 Gwendolyn Jacobs  
 Hamilton, Ambrose  
 Harold Abraham  
 Heafline Bannis  
 Helen Isidore  
 Helena Denbow  
 Henreker Liburd  
 Henry Gonzague, Jr  
 Henry, George  
 Henry, Mary G.  
 Henry, Michael  
 Henry, Miles  
 Henry, Nicholas  
 Henry, Paul (Mediated)  
 Henson Emanuel  
 Hinkson, Francilla  
 Hollis Prime

Hospedales, Roderick  
 Humberto Ayala  
 Ingrid Benton  
 Jackline Finney  
 Jaime Castro  
 James , Francis  
 James McNamara, as PR of Estate of Luke  
 Frederick  
 James, Brenda  
 James, Irwin L  
 James, Jerome  
 Janelle Coburn  
 Janine McBean  
 Jarvis, Leroy  
 Jean, Larry  
 Jeanne David  
 Jeffers, Wilfred Z  
 Jeremiah Felicien  
 Jno-Baptiste, Nicholas  
 Joan John  
 Joanna Desir  
 Joanna Leon  
 Joel Tutein  
 John B William  
 John Desouza  
 John Manie  
 John Paul  
 John Ramdhanny  
 Jorge Soto  
 Jose Lopez-Acosta  
 Jose Sanchez  
 Joseph Herelle  
 Joseph Joaquin  
 Joseph Mess  
 Joseph Prescott  
 Joseph Vigilant Hill  
 Joseph, Elwin  
 Joseph, George  
 Joseph, Judith  
 Joseph, Kenneth  
 Joseph, Magilta  
 Joseph, Selwin George  
 Joshua S Browne  
 Jovo Cotto Jr.  
 Joyce James Galiber  
 Joyceline Noelien

Joycelyn Thomas  
 Juan Alamo  
 Judith Doran  
 Julia Charles  
 Julianna Evans  
 Julie James  
 Julietta Coleman  
 Kadar Mohansingh  
 Kendall Roberts  
 Kendrick Elcock  
 Lazare, Louise  
 Leblanc, Alex G  
 Lenroy Drew  
 Leon, Aybert  
 Leon, Michael  
 Leonce, Phylis  
 Lester Vigilant  
 Liburd, Dave  
 Lilda Decaille  
 Ling, Michael Lee  
 Linton Robertson  
 Lisa Braithwaite  
 Lopez-Quintana, Juan  
 Lubin, Jonah N  
 Lucette Merced-Green  
 Lucia Marcelle  
 Lucille Henry  
 Lucy C Talian  
 Lydia McIntosh  
 Lyne Turnbull-James  
 Mable Cuffy  
 Maharaj, Devraj  
 Maishaleen Lopez  
 Malvina Jackson  
 Margarita Joseph  
 Marguerite Wilton  
 Maria Baptiste  
 Maria M Hepburn  
 Maria R Guadalupe-Thomas  
 Maria Sanes  
 Marian Mitchell  
 Marie Auguste  
 Marie Serieux  
 Marilyn Nyack  
 Mario Carroll  
 Mariska Scotland

Mark Victor  
 Martin, Telbert  
 Martina Simeina  
 Mary Anna Weeks  
 Mary Clercin  
 Mary Eugene  
 Mary Glover  
 Mary Leon  
 Mary Longville  
 Mary Lucille  
 Mary Maxwell  
 Mary St Rose  
 Massicott, Jeannoel S  
 Mathurin, Bernard  
 Mathurin, Gregory  
 MathurinVitalis  
 Maxwell, Weldon  
 Maynard Lazare  
 Maynard, James  
 McIntosh, Daniel  
 McMahon, Vincent  
 McNamara, James  
 Melvin Benjamin  
 Merced, Edgar  
 Merlyn Massicott  
 Mervyn Henry  
 Mervyn Henry  
 Michael C. John  
 Michael Clarke  
 Michael Elsworth Matthew  
 Michael K Alexander  
 Michael Thomas  
 Michael, Coletta  
 Mitchell, Alfred  
 Mitchell, Clayton  
 Moe, Russell  
 Montoute-Dumar, Clarita  
 Moore, Steven  
 Morris Benjamin  
 Moses, Godclive  
 Munchez-Nurse, Barbara A.  
 Murray, Michael  
 Myrna Lopez  
 Natalia Herman-Sadoo  
 Nathalie Desbonnes  
 Nathalie Desbonnes

Neil Corridon  
 Nelson, Clement  
 Newton, Sharon  
 Nieves, Sonia  
 Nina O'Bryan  
 Nisbeth, Edric  
 Nobbie, Ainsley  
 Norford, Derrick  
 Norma Nales-Martinez  
 Norma Parris-Bruce  
 Norris Rupert St. Henry  
 Octalien, Norbert C  
 Octavia Ferdinand, as PR for the Estate of  
 Octave Ferdinand  
 Onesimus Chiverton  
 Osorio, Jr , Pedro  
 Patricia Mathurin  
 Patrick Nelson Thomas  
 Patrick Phillips  
 Paul, Anthony  
 Paula Crispin  
 Pedrito Coto  
 Pedro Oliver  
 Peter Delande  
 Peter Edward  
 Peter, Michael  
 Peterson, Lucien  
 Petronella Sargeant  
 Phangyou, Carl P. J.  
 Phillip Collins  
 Phillip E. Daniel  
 Phillip Paul  
 Phillip, Vaughn  
 Philogene, Lawrence  
 Pius Fontenelle, as PR of the Estate of  
 Teresa Fontenelle, Deceased  
 Plante, Marion, as the personal  
 representative of the Estate of Joseph Plante  
 Poleon, Celina  
 Poleon, John  
 Pricilla John Baptiste  
 Rambally, Brian  
 Ras, Luis  
 Raul Gonzalez  
 Rebecca Lestrade  
 Regina Boyer

Renee Tann  
 Rennie Benwaree  
 Rennie, Lloyd  
 Rennie, Ronnie  
 Reuben Weekes  
 Reuben, Aaron  
 Reynard D Menders, Sr  
 Richard A Samuel  
 Richard Allen, Sr  
 Richelieu, Gregory E  
 Richelieu, Margarita  
 Rita Browne  
 Rita Velazquez  
 Rivera, Jose  
 Rivera, Sandro  
 Rivera, Santos  
 Rivera-Lopez, Santos  
 Robert Phangyou  
 Roberto Figueroa  
 Roberts, Cuthbert F  
 Roderick Gordon  
 Rodney Blake  
 Rodney Solomon  
 Roger A Roberts  
 Rollin Viotty  
 Romain, Andrew  
 Ronald Sealey  
 Rosa Xavier  
 Rosa, Sonia  
 Rosetta Lawrence  
 Russell, Hulester  
 Sadoo, Ricardo  
 Sam, Reginald A.  
 Samuel, Virginia  
 Santiago, Bernabe Jr.  
 Santiago, Luis  
 Sargeant, Vincent  
 Sean Ian Wickham  
 Seecharan, Alvan  
 Sharia Durgah  
 Sheralda Guadalupe  
 Shirley Alibocas  
 Shirley Cuffy  
 Silvestre, Juan Riveras  
 Simnia Eugene  
 Simon, Lesroy

Sirdrina Isaac-Joseph  
 Skitter Verna Clercin  
 Smith, Anthony  
 Smith, James A  
 Sonia Cirilo  
 Sookoo, Richie  
 Sophia Francis  
 Soto-Nieves, Irma  
 St Jean Wong, Meredith  
 St Rose, Saraphine  
 St. George Joseph  
 Stafford Browne  
 Stedman Hughes  
 Stephanie Granger  
 Stephanie Wheeler  
 Stephen Jeffers  
 Stephenson, Eugene  
 Subniak, Dianan  
 Sydney, John  
 Sykes, Eric  
 Sylvester John  
 Sylvia Barry  
 Tabita Phangyou  
 Taylor, Macdonald  
 Thecla Weston  
 Theodile, Ruthine  
 Theodore, Roselyn  
 Theodule, Elizabeth  
 Theresa Dariah  
 Theresa Joseph  
 Thomas Thomas  
 Thomas, Franklyn M  
 Thorpe, Charline as the personal  
 representative of the Estate of Wilmouth A  
 Hughes  
 Titre, Cyril  
 Treasure, Ferdinand  
 Treasure, Melrose  
 Valerie Combie  
 Vega-Vargas, Percio  
 Velazquez, Ada L  
 Verdan Jagrup  
 Verna Rita Richelieu  
 Vernage, Matthew  
 Veronica Eugene  
 Veronica Rita Charles

Victor Monroe  
Victor Ruiz Carrasquillo  
Victor, Fenton Curtis  
Victoria Woodley  
Vigilant, Timothy  
Virginia Melius-Michaud  
Virginia St Rose  
Viviane Charles Mondesir  
Wallace, Elton  
Walters, Shawn  
Waltrude Hippolyte  
Wendy Green  
Wheeler, Joseph C  
White, Clyde  
William, Augustine  
Williams, Anderson Leroy  
Williams, Carol G.  
Williams, Lennard

Williams, Merle  
Williams, Spencer  
Williams, Vincent  
Wilson, Alfred  
Wiltshire, Christina  
Winifred Jonas  
Winifred President  
Woods, Benjamin  
Wranda Dariah  
Xiomara Hernandez-Aquino  
Yolanda Henry  
Younge, Everette  
Younge, Grantley A  
Yvette Ballantine-Phillips  
Yvie Poleon  
Zenia Raymond  
Zulaika Ahamad

**EXHIBIT B**

**Case Management Order**

**ENTERED**

January 12, 2023

Nathan Ochsner, Clerk


**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION****IN RE:****HONX, INC.,****Debtor.**§  
§  
§  
§  
§  
§  
§**CASE NO: 22-90035****CHAPTER 11****CASE MANAGEMENT ORDER**

For the reasons set forth on the record on January 4, 2023, the Court orders:

1. The motions seeking test trials to be conducted in the Virgin Islands are denied, without prejudice.
2. At a hearing to be conducted on May 10, 2023 at 9:00 a.m., the Court will conduct an estimation hearing pursuant to 11 U.S.C. § 502(c). At the estimation hearing, the Court will determine whether personal injury or wrongful death claims that have been filed or scheduled against the estate are colorable claims for the purposes of (i) voting on any proposed plan; and (ii) determining the feasibility of any proposed plan. Colorable claims will meet these criteria:
  - a. The claim must be supportable by expert testimony as to liability and as to the extent of any illness or injury. Expert testimony must be admissible under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).
  - b. The claim must not have been released (by settlement or otherwise) by a release that is enforceable against the claimant.
  - c. Future claims must be demonstrated, by competent expert testimony admissible under *Daubert*, to allow for the future claims representative (or another person) to vote to accept or reject a proposed plan.
  - d. Future claims must be demonstrated, by competent expert testimony admissible under *Daubert*, in an amount that will be utilized for determining the feasibility of any proposed plan.
3. Any estimation by the Court will apply solely to voting and feasibility. Any proposed plan must make adequate provision for the payment of Allowed Claims, the amount and liability of which will be determined for distribution purposes in the manner determined by the United States District Court for the Southern District of Texas in accordance with 28 U.S.C. § 157(b)(5).

4. All parties are ordered to fully cooperate in discovery that is relevant to the estimation proceeding. The Court authorizes the use of the subpoena power to obtain appropriate discovery.
5. Not later than 30 days after the Court issues an estimation order, Hess must file a Notice committing to fund a chapter 11 plan premised on a § 524(g) injunction, with payments funded by Hess. The notice must state an amount that will be funded by Hess (i) in total dollars; (ii) pursuant to a formula that is dependent on the total amount of Allowed Claims, but that is calculable with mathematical precision upon a determination of the total amount of Allowed Claims; or (iii) in an amount that can be determined with certainty by the Court after the allowance of claims in the case.
6. Not later than 21 days after Hess complies with paragraph 5 of this Order, the Debtor must file a proposed chapter 11 plan and disclosure statement.
7. If the requirements of paragraphs 5 and 6 are not satisfied in good faith, this case will be dismissed.
8. Not later than February 10, 2023 at 5:00 p.m., parties must file briefs addressing these two issues:
  - a. May the holder of a claim that is estimated at \$0.00 for voting purposes vote on a proposed plan?
  - b. Assume that the holder of a claim is (i) precluded from voting on the proposed plan as a consequence of an estimation proceeding; and (ii) allowed to liquidate her claim for distribution purposes in the manner determined by the United States District Court for the Southern District of Texas in accordance with 28 U.S.C. § 157(b)(5); and (iii) payable (to the extent that it is Allowed) out of a trust established under 11 U.S.C., § 524(g). Under those assumptions, will the holder be bound by an injunction issued pursuant to 11 U.S.C. § 524(g)?
9. Parties may file response briefs in relation to the briefing ordered in paragraph 8 no later than March 3, 2023 at 5:00 p.m.
10. Witness and exhibit lists for the estimation hearing must be filed in accordance with the local rules.

SIGNED 01/12/2023

  
Marvin Isgur  
United States Bankruptcy Judge

